

REMARKS

This Amendment is submitted in reply to the Office Action dated September 29, 2006. The Applicants respectfully request reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Summary of Amendment

Applicants have canceled Claims 3, 5-8, 10-12, 15, 17-19, 24, 26-30, 33 and 35-37 (without prejudice), amended Claims 1, 9, 13-14, 16, 22-23, 25 and 31-34, and added Claim 38 to more particularly define the present invention.

Applicants have also amended the Specification to update the priority information in paragraph [0001].

Summary of the Examiner's Rejections

Claims 1-37 were rejected under 35 U.S.C. 112 (2nd paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6 and 9-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Glazer (WO 00/61282) as defined by Giancoli (Physics: Principles and Applications).

Claims 5, 22-25 and 27-37 were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious in view of Glazer (WO 00/61282).

Claims 7-8 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Glazer (WO 00/61282) as defined by Giancoli (Physics: Principles and Applications) and further in view of Nagasawa (US 6,897,021).

Priority

The Examiner indicated that the U.S. Patent Application No. 09/650,885 (August 30, 2000) did not provide support for limitations such as "said porous inorganic layer characterized as having a plurality of interconnected voids of a predetermined mean size of not less than about 0.1 μm " (e.g., see original independent Claim 1 and original dependent Claim 37). Thus, the Examiner considered the effective filing date for the original claims to be the filing date of U.S. Patent Application No. 10/101,135 (March 18, 2002). Applicants have amended Claim 1 to remove the --0.1 μm -- limitation and canceled Claim 37 (without prejudice). Accordingly, Applicants respectfully submit that the effective filing date for the pending Claims 1-2, 4, 9, 13-14, 16, 20-23, 25, 31-32, 34 and 38 to be the filing date of the U.S. Provisional Patent Application No. 60/152,186, filed on September 2, 1999.

Oath/Declaration

The Applicant's will submit a new executed Declaration for the present application in a subsequent communication.

Remarks regarding § 112 (second paragraph) rejections

Claims 1-37 were rejected under 35 U.S.C. 112 (2nd paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claims to correct antecedent errors and to state more clearly the subject matter. As such, Applicants respectfully request removal of the § 112 (second paragraph) rejections.

Remarks regarding § 102(b) and 103(a) rejections

Applicants respectfully submit that amended independent Claims 1 and 22 and new independent Claim 38 are patentable over Glazer (WO 00/61282, published 19 October 2000). In view of the pending Claims 1-2, 4, 9, 13-14, 16, 20-23, 25, 31-32, 34 and 38, Applicants respectfully submit that the effective filing date of these claims is September 2, 1999 (based on U.S. Provisional Patent Application No. 60/152,186). Thus, Glazer (WO 00/61282) is not considered prior art since it was published on October 19 2000. Giancoli and Nagasawa do not teach the claimed invention. Accordingly, Applicants respectfully submit that pending independent Claims 1, 22 and 38 and their associated dependent Claims 2, 4, 9, 13-14, 16, 20, 23, 25, 31-32 and 34 are patentable.

Conclusion

Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request reconsideration of all outstanding objections and rejections and allowance of pending Claims 1-2, 4, 9, 13-14, 16, 20-23, 25, 31-32, 34 and 38.

Applicants have used a credit card to pay \$ 320.00 which is the fee for the one-month extension of time and one new independent Claim 38. If this is incorrect, the Commissioner is authorized to charge any fees which may be required for this paper to Deposit Account No. 50-1481.

Respectfully submitted,

/William J. Tucker/

William J. Tucker
Reg. No. 41,356
wjtpatentlaw@hughes.net
(903) 489-2198

Date: January 29, 2007

Corning Incorporated
Attn: Thomas R. Beall, Esq.
SP-TI-03-1
Corning, NY 14831